

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 16-11736-RWZ

In re ACEVEDO

ORDER

July 25, 2018

ZOBEL, S.D.J.

Vicente Pérez Acevedo appeals an order of the United States Bankruptcy Court for the District of Massachusetts (Docket # 30). In that order, the bankruptcy court on remand dismissed four counts and scheduled an evidentiary hearing on the remaining two counts. An order which “does not finally determine a cause of action but only decides some intervening matter pertaining to the cause, and which requires further steps to be taken in order to enable the court to adjudicate the cause on the merits” is considered interlocutory, and thus not appealable in the ordinary course. In re Am. Colonial Broad. Corp., 758 F.2d 794, 801 (1st Cir. 1985); see In re Casal, 998 F.2d 28, 31 (1st Cir. 1993) (order in adversary proceeding not appealable as of right “unless it ends the entire adversary proceeding ‘on the merits and leaves nothing for the court to do but enter the judgment.’”). See also Federal Rule of Civil Procedure 54(b), made applicable to adversary proceedings by Federal Rule of Bankruptcy Procedure 7054(a).

District courts may nonetheless review an interlocutory appeal in one of three ways: the collateral order doctrine; discretionary review under 28 U.S.C. § 158(a)(3); or

the Forgay-Conrad doctrine. See, e.g., In re Bank of New England Corp., 218 B.R. 643, 649 & n.8 (B.A.P. 1st Cir. 1998). Because I conclude that none of those precepts applies here, the appeal is dismissed for lack of jurisdiction.

July 25, 2018

DATE

/s/Rya W. Zobel

RYA W. ZOBEL  
SENIOR UNITED STATES DISTRICT JUDGE